

REMARKS

Currently, claims 1-15 are pending. The Examiner has restricted the claims in the application into (2) groups, as follows:

1. Group I, claims 8-15, drawn to a method for nebulizing a tracheostomy tube; and
2. Group II, claims 1-7, drawn to a nebulizing pad apparatus.

Applicant respectfully traverses the Restriction Requirement and requests reconsideration. In order to be fully responsive, Applicant has provisionally elected, with traverse, Group II as defined by claims 1-7 directed to a nebulizing pad apparatus.

It is respectfully submitted that the search classification for each invention group will substantially overlap. Each of the claims, as presently recited, are directed to a nebulizing pad or the method of using a nebulizing pad. The Examiner will not be seriously burdened by searching and considering the inventions as described in all the currently pending claims. Accordingly, the Examiner has not established a proper restriction requirement under MPEP § 803.

By this election, Applicant does not admit, nor does Applicant waive the right to argue against at a later date, the Examiner's statement that the groups are patentably distinct. Applicants expressly reserve the right to present the claims of Groups I, or other claims, in one or more divisional, continuation, or continuation-in-part applications at a later date.

CONCLUSION

It is believed that pending claims 1-7 are in condition for final allowance and notice to such effect is respectfully requested. Although the Applicant believes no additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436 for any fees that may be due in connection with this response.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, he is invited to contact the undersigned at his convenience.

Respectfully Submitted,

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